

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NEQUAVA MATTHEWS, on behalf of herself and others similarly situated,	:	2:22-cv-04632-JFM
Plaintiff,	:	
v.	:	
PHILADELPHIA CORPORATION FOR AGING,	:	
Defendant.	:	

STIPULATION AND ORDER

NOW, this 30th day of June 2023, Nequava Matthews and Philadelphia Corporation for Aging **STIPULATE** as follows:

1. The attached forms entitled “Notice of Collective Action Lawsuit” (“Notice form”), *see* Doc. 42-1, and “Consent to Become Party Plaintiff” (“Consent form”), *see* Doc. 42-2, are approved as to form and content. *See Hoffman-La Roche v. Sperling*, 493 U.S. 165, 174 (1989).

2. Within 5 calendar days of the Court’s entry of this Order, Plaintiff’s counsel will mail to all putative members of the FLSA Collective finalized copies of the Notice form, Consent form, and a postage-paid return envelope bearing Plaintiff’s counsel address (together “Notice Package”). Plaintiff’s counsel will pay all postage and printing costs associated with the preparation and mailing of the Notice Packages. If any Notice Package is returned as undeliverable, Plaintiff’s counsel will make all reasonable efforts to update the address information and re-send the Notice Package.

3. In order to join the FLSA collective pursuant to 29 U.S.C. § 216(b), a putative member of the FLSA Collective must complete and sign his/her Consent Form and return it in an envelope postmarked on or before the deadline indicated in the Notice Package, which will be set

at 60 calendar days after the mailing date of the Notice Package.

4. Plaintiff's counsel will file with the Court each completed Consent Form within 5 business days of receipt.

Dated: June 30, 2023

FOR PLAINTIFF:

/s/ Mark J. Gottesfeld

Peter Winebrake

Mark J. Gottesfeld

Winebrake & Santillo, LLC

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FOR DEFENDANT:

/s/ Elisabeth G. Bassani

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SO ORDERED THIS 3rd DAY OF July, 2023.


MURPHY, J.

[insert date], 2023

NOTICE OF COLLECTIVE ACTION LAWSUIT

Nequava Matthews v. Philadelphia Corporation for Aging, 2:22-cv-04632-JFM
United States District Court, Eastern District of Pennsylvania

TO: [INSERT NAME]

INTRODUCTION

This Notice tells you about a lawsuit seeking unpaid overtime wages allegedly owed to individuals employed by Philadelphia Corporation for Aging (“PCA”) since [insert date three years prior to date of notice] as OAPS Investigators.

This notice has been authorized by the Federal Court.

Please read this Notice carefully.

DESCRIPTION OF THE LAWSUIT

In November 2022, Nequava Matthews (“Plaintiff”), who was formerly employed by PCA as an OAPS Investigator, started this lawsuit against PCA. The lawsuit is proceeding in the United States District Court in Philadelphia, PA (“the Court”) and is assigned to the Honorable John F. Murphy.

The lawsuit alleges that OAPS Investigators often worked over 40 hours per week and that PCA violated federal and state wage laws by failing to pay any overtime wages to OAPS Investigators for hours in excess of 40 per week. The lawsuit seeks to recover unpaid overtime wages, liquidated damages, attorney’s fees, and costs.

PCA denies the allegations and alleges that OAPS Investigators are properly classified as exempt from the overtime laws.

The lawsuit is in its early stages. The Court has not decided who will win and has taken no position regarding the merits of the case.

Individuals employed by PCA as OAPS Investigators during any time after [insert date three years prior to date of notice] may be eligible to join the lawsuit. According to PCA’s records, you meet this criteria.

HOW TO JOIN THE LAWSUIT

Whether or not to join the lawsuit is entirely up to you. If you wish to join, you must complete the enclosed “Consent to Join” form and return it (preferably in the enclosed envelope) to:

Winebrake & Santillo, LLC
715 Twining Road, Suite 211

Dresher, PA 19025

Your return envelope ***must be postmarked by [60 days from date of mailing]***. If you do not want to join the lawsuit, you do not need to do anything. If you fail to meet this deadline, you will not be allowed to participate in this lawsuit. You have the right to speak to the counsel of your choice about this lawsuit.

EFFECT OF JOINING THE LAWSUIT

If you join the lawsuit, you will be bound by the Court's rulings on all issues, including the reasonableness of any settlement if that ever happened. If Plaintiff and other employees win, you may be eligible to a money payment. If PCA wins, you will receive nothing.

If you join the lawsuit, you may be required to participate in the "discovery" process by, for example, gathering and producing documents, answering some written questions under oath, and, possibly, sitting for a deposition. The law firm described below will represent you throughout the lawsuit or you may employ your own lawyer.

EFFECT OF NOT JOINING THE LAWSUIT

If you do not join the lawsuit, you will not be bound by any of the Court's rulings in the lawsuit.

RETALIATION PROHIBITED

If you join the lawsuit, federal law prohibits PCA from retaliating against you as a result of your participation. PCA will not take any retaliatory measures against any current or former employees for joining this lawsuit.

YOUR LEGAL REPRESENTATION IF YOU JOIN

If you join the lawsuit, you will be represented by Winebrake & Santillo, LLC, 715 Twining Road, Suite 211, Dresher, PA 19025; Ph: 215-884-2491; Web: www.winebrakelaw.com

You are not required to pay any money to this law firm. The firm works on a "contingency" basis. If the lawsuit results in a money recovery, the firm will be paid whatever attorney's fees the Court orders or approves. Those fees will either be paid from the total recovery obtained or be paid separately by PCA. If the lawsuit is unsuccessful, the firm will receive nothing.

Please call the above law firm at 215-884-2491, ext. 3, if you have any questions or want additional information about the lawsuit. Also, nothing prohibits you from consulting with other lawyers of your choice about the lawsuit or the information contained in this Notice.

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	:	2:22-cv-04632-JFM
Plaintiff,	:	
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PHILADELPHIA CORPORATION FOR AGING,	:	
Defendant.	:	

CONSENT TO BECOME PARTY PLAINTIFF

I have read the form entitled “Notice of Collective Action Lawsuit” and consent to become a party plaintiff in the above-captioned action pursuant to 29 U.S.C. § 216(b). I have worked for Philadelphia Corporation for Aging as an OAPS Investigator at some time between [insert date three years prior to date of notice] and [date of notice]. I agree to be represented by Winebrake & Santillo, LLC (Dresher, PA). I consent and agree that I will be bound by the rulings of the Court on all issues in this action, including the fairness of any settlement.

Signature

Date

Name (Please Print Neatly)

Address

City, State, Zip Code

Phone Number

Email Address

Return by [insert deadline] to:

Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025